

2006 DEC 14 PM 3 14

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

BILLINGS DIVISION

RAYMOND J. CASE,)	CV-06-77-BLG-RFC
)	
Plaintiff,)	
vs.)	
)	ORDER ADOPTING FINDINGS
MONTANA STATE ATTORNEY GENERAL;)	AND RECOMMENDATIONS
YELLOWSTONE COUNTY ATTORNEY;)	OF UNITED STATES
PENELOPE STRONG; CARL DeBELLY; and)	MAGISTRATE JUDGE
JAMES M. SIEGMAN)	
)	
Defendants.)	
_____)	

On December 6, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Plaintiff's Complaint that Case's Complaint (*Doc. 1*) should be dismissed with prejudice as to the claims regarding the conditions of his confinement and dismissed without prejudice as to all other claims. Magistrate Judge Anderson further recommends that, pursuant to 28 U.S.C. § 1915(g), the docket reflect that the filing of this action count as one strike against Plaintiff.

Upon service of a magistrate judge's findings and recommendation, Plaintiff had 20 days to file written objections.¹ In this matter, Plaintiff filed objections on December 11, 2006. Defendant's objections are not well-taken.

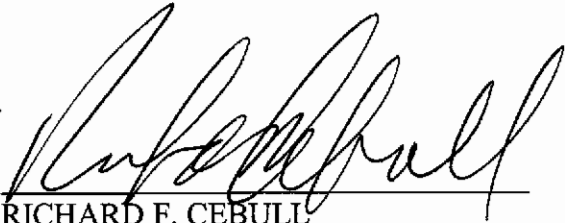
¹In prisoner cases, this Court extends 10 day period to object provided for in 28 U.S.C. § 636(b)(1) to twenty days in order to take into account the Supreme Court's ruling in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988), and the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.

After a *de novo* review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint (*Doc. #1*) **DISMISSED WITH PREJUDICE** as to the claims regarding the conditions of his confinement and **DISMISSED WITHOUT PREJUDICE** as to all other claims. Pursuant to 28 U.S.C. § 1915(g), the docket shall reflect that the filing of this action which does not state a claim for relief count as one strike against Plaintiff.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 14 day of December, 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE